

Kenneth W. Taber, Esq.
PILLSBURY WINTHROP SHAW PITTMAN LLP
1540 Broadway
New York, New York 10036-4039
(212) 858-1000
kenneth.taber@pillsburylaw.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAREN ANDERSON,

Plaintiff,

-against-

HOTELSAB, LLC, ANDRE BALAZS
PROPERTIES a/k/a THE BEACH HOUSE LLC,
and ANDRE BALAZS,

Defendants.

Civil Action No. 15-cv-00712 (LTS)(JLC)

NOTICE OF MOTION TO DISMISS

ECF CASE ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon the attached Affirmation of Kenneth W. Taber, dated March 10, 2015, the exhibits attached thereto, and the accompanying memorandum of law, Defendants HotelsAB, LLC and Andre Balazs Properties a/k/a The Beach House LLC (“Defendants”)¹ will move this Court before the Hon. Laura Taylor Swain, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order dismissing the complaint.

The grounds for this motion are that the plaintiff fails to state a claim upon which relief can be granted.

In accordance with Section A(2)(b)(ii) of the Court’s Individual Rules of Practice, the undersigned counsel certifies that, despite best efforts, the parties have been unable to resolve the

¹ Defendant Andre Balazs does not join in this Motion as he has not yet been served with the Summons and Complaint.

matters raised in this motion. Specifically, on February 25, 2015, Defendants' counsel sent a letter to Plaintiff's counsel describing, *inter alia*, the basis for this motion. Plaintiff's counsel responded by letter dated March 2, 2015, contending that the motion should be denied. Counsel for the parties conferred by telephone on March 3, 2015, but could not reach agreement. The Complaint has not been amended in response to the arguments raised in the motion.

Dated: New York, New York
March 10, 2015

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ Kenneth W. Taber
Kenneth W. Taber
1540 Broadway
New York, New York 10036-4039
212-858-1000
kenneth.taber@pillsburylaw.com

Attorneys for Defendants

TO: George D. Vallas
Robert W. Ottinger
The Ottinger Firm, P.C.
401 Park Avenue South
New York, New York 10016
george@ottingerlaw.com
robert@ottingerlaw.com